

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHELE WILKINSON, et al.,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	Case No. 3:11cv247
	:	
GREATER DAYTON REGIONAL	:	JUDGE WALTER H. RICE
TRANSIT AUTHORITY, et al.,	:	
	:	
Defendants.	:	

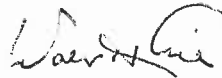
DECISION AND ENTRY OVERRULING PLAINTIFF'S AMENDED MOTION
FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL
(DOC. #95) AS MOOT, SUBJECT TO RENEWAL IN ITS PRESENT,
AMENDED OR ALTERED FORM, AT THE CONCLUSION OF CLASS
DISCOVERY; REQUEST OF UNITED STATES MAGISTRATE JUDGE;
AMENDED CASE MANAGEMENT PLAN TO BE FILED ON OCCURRENCE
OF SPECIFIC EVENT

Despite the herculean efforts of the United States Magistrate Judge and without ascribing blame to any party, it appears that class discovery in the captioned matter is not proceeding as quickly as anyone would have desired. Plaintiff has filed an Amended Motion for Class Certification and Appointment of Class Counsel (Doc. #95), with six recommended subclasses. It is clear that the final definition of a class, should one ultimately be certified (and the description of any attendant subclasses certified thereof), may well depend upon discovery that has already taken place, since the filing of the Amended Motion for Class Certification and Appointment of Class Counsel, and/or to be conducted from this time forward until class certification discovery is complete. Accordingly, it appears to be the better course to overrule

Plaintiff's pending Motion for Class Certification and Appointment of Class Counsel, until such time as class-wide discovery has been completed. Once this Court receives notice from the United States Magistrate Judge, the judicial officer overseeing class-wide and merit-based discovery in the captioned cause, that class-wide discovery has been completed, Plaintiff will have fourteen days thereafter to file a Second Amended Motion for Class Certification and Appointment of Class Counsel, either in its original form, an amended or altered form, as class-wide discovery has indicated.

Once this Court receives Plaintiff's Second Amended Motion for Class Certification, a close to an immediate telephone conference call will be established, in order to set an oral/evidentiary hearing on said Motion (or a date for which same can be submitted through memoranda), and to set a trial date and other dates leading to the resolution of this litigation.

March 3, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record